

House Government Operations Committee

Amendment No. 1 to HB3181

Kernell
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3132*

House Bill No. 3181

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-35-102, is amended by inserting the following as subitem (6) and by appropriately renumbering the existing subitems:

(6) "Commission" means the private protective services commission;

SECTION 2. Tennessee Code Annotated, Section 62-35-104, is amended by adding the following as subsections (a) and (b) by designating the current content as subsection (c):

(a) (1) There is hereby created the private protection services commission, hereinafter referred to as the "commission", which consists of seven (7) members appointed by the governor, each of whom shall be a resident of this state and shall possess good moral character. Two (2) of the members shall be appointed from each grand division of the state, and one (1) shall be an "at large" member. The governor shall make appointments so as to provide a racially and ethnically diverse body.

(2) At least four (4) of the members shall have been principally engaged in this state in the private protective services industry for at least five (5) years prior to the date of their appointment and shall be of recognized business standing in the community. One (1) of the members shall have been a trainer for the security industry for a period of at least five (5) years prior to appointment; and one (1) of the members shall have been employed in the law enforcement community for a period of at least five (5) years prior to appointment.

(3) Three of the members originally appointed shall serve terms of four (4) years; two (2) shall serve terms of three (3) years; and two (2) shall serve terms of two (2) years. Thereafter, all members shall serve terms of four (4) years.

House Government Operations Committee

Amendment No. 1 to HB3181

**Kernell
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3132*

House Bill No. 3181

(b)(1) Upon qualification of the members appointed, the commission shall organize itself by selecting from its members a chair and a vice chair, and shall have the power to do all things necessary and proper for carrying out the provisions of this chapter not inconsistent with the laws of this state. The commission may promulgate and adopt such rules and regulations and internal operating procedures as are reasonably necessary and consistent with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(2) Each member of the commission shall receive a certificate of appointment from the governor before entering upon the discharge of their duties of office.

(3) The commission may hold such meetings as necessary for the conduct of its business. All members shall be duly notified of the time and place of each meeting. A majority of the commission constitutes a quorum at any meeting of the commission.

SECTION 3. Tennessee Code Annotated, Section 62-35-129, is deleted in its entirety and the following is substituted instead:

Section 62-35-129(a) The commission shall be responsible for administering and enforcing the provisions of this chapter. The commissioner of commerce and insurance shall provide staffing support, including investigative and enforcement staff, for the commission. The commissioner may promulgate such rules and regulations as are reasonably necessary to perform its roles in effectuating the purposes of this chapter.

(b) The commission may recommend that the commissioner seek relief at law or equity to restrain or enjoin any act or practice in violation of this chapter, of any rule promulgated hereunder. Jurisdiction is conferred upon the chancery and circuit courts of this state to hear

House Government Operations Committee

Amendment No. 1 to HB3181

Kernell
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3132*

House Bill No. 3181

and determine such a suit. No bond shall be required for the prosecution of the suit of the issuance of an injunction.

(c) The commission, with the assistance of the commissioner, may at all reasonable times conduct inspections and investigations of entities as reasonably necessary to ensure compliance with this chapter.

SECTION 4. Tennessee Code Annotated, Section 62-35-130, is amended by adding the following at the beginning of subsection (a):

The commission may make recommendations to the commissioner for disciplinary, license, certificate, registration or other actions against a licensee, registrant or applicant.

SECTION 5. Tennessee Code Annotated, Title 62, Chapter 35, is amended by deleting the word "commissioner" in each location in which it may appear in Part 1, except in Section 62-35-130, and by substituting instead the word "commissioner", unless inappropriate in the context.

SECTION 6. Tennessee Code Annotated, Section 4-29-223(a), is amended by adding a new item thereto, as follows:

() Private protective services commission, created by Section 1 of this act;

SECTION 7. For purpose of appointing members to the commission and for the purpose of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2001, the public welfare requiring it.